

**IN THE CLAIMS:**

1. (Currently Amended) A sidewalk structure ~~for use as a sidewalk~~, comprising:  
  
a porous base layer of a combination of butadiene rubber granules in a first weight percentage and peelings or buffings in a second weight percentage, and a first binder, the first weight percentage of the butadiene rubber granules varying relative to the second weight percentage of peelings or buffings to the combination of butadiene rubber granules and peelings or buffings being varied in amount relative to one another to increase or decrease the porosity of the base layer depending on tree density around the sidewalk; and  
  
a wear layer ~~[[of]]~~ containing ethylene propylene diene monomer (EPDM) and a second binder on top of the base layer.
2. (Cancelled)
3. (Previously Presented) The structure of claim 1 wherein the butadiene rubber is recycled vehicle tires or industrial rubber.
4. (Previously Presented) The structure of claim 1 wherein the first binder is isocyanate polyurethane.
5. (Previously Presented) The structure of claim 4 wherein the ratio of the first binder to butadiene rubber in the base layer is 16% by weight.
6. (Cancelled)

7. (Previously Presented) The structure of claim 1 wherein the butadiene rubber granules are in the range of 1.5 mm to 6 mm, inclusive.

8-9. (Cancelled)

10. (Previously Presented) The structure of claim 1 wherein the combination of granules to peelings or buffings is 70% granules and 30% peelings or buffings.

11. (Previously Presented) The structure of claim 1 where the combination of granules to peelings or buffings is 50% granules and 50% peelings or buffings.

12. (Previously Presented) The structure of claim 10 or 11 wherein the butadiene rubber is recycled vehicle tires or industrial rubber.

13. (Previously Presented) The structure of claim 1 wherein the base layer is one and one-half to three and one-half inches thick.

14. (Previously Presented) The structure of claim 1 wherein the base layer is two inches thick.

15. (Previously Presented) The structure of claim 1 wherein the second binder of the wear layer is isocyanate polyurethane.

16. (Previously Presented) The structure of claim 15 wherein the ratio of the second binder to EPDM is 20% by weight.

17. (Previously Presented) The structure of claim 16 wherein the EPDM is granular.

18. (Previously Presented) The structure of claim 17 wherein the granules are in the range of 1.5 mm to 6 mm in diameter, inclusive.

19. (Previously Presented) The structure of claim 1 wherein the binder of the wear layer contains aliphatic diisocyanate.

20. (Previously Presented) The structure of claim 19 wherein the EPDM is granular and the granules are in the range of 1.5 mm to 6 mm in diameter, inclusive.

21. (Previously Presented) The structure of claim 1 wherein the base layer is two inches to three inches thick and the wear layer is three-eighths to one-half inch thick.

22. (New) A multi-layer sidewalk comprising:  
a base layer having a binder for maintaining a combination of butadiene granules and peelings or buffings, the weight proportion of the granules to the peelings or buffings being about 1:1 to provide a first porosity for the sidewalk and about 7:3 to provide a second porosity for the sidewalk; and

a wear layer having a mixture of EPDM and a binder of isocyanate polyurethane on top of the base layer;

wherein the weight proportion of the granules to the peelings or buffings in the base layer vary between the first porosity and the second porosity depending on the density of trees around the sidewalk.